



INTERIOR BOARD OF INDIAN APPEALS

Frontier Natural Gas Corp. v. Acting Anadarko Area Director, Bureau of Indian Affairs

23 IBIA 148 (01/08/1993)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

FRONTIER NATURAL GAS
CORPORATION,
Appellant

v.

ACTING ANADARKO AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Docketing Appeal, Vacating
: Decision, and Remanding Case
:
:
:
: Docket No. IBIA 93-14-A
:
:
: January 8, 1993

Appellant Frontier Natural Gas Corporation sought review of a September 4, 1992, decision of the Acting Anadarko Area Director, Bureau of Indian Affairs (Area Director; BIA), concerning recoupment and refund of \$4,449.25 in overpaid royalties on oil and gas lease Nos. 518-007048-0, 518-007049-0, and 518-007224-0, covering certain Cheyenne-Arapaho allotted lands. The Area Director's decision concluded that BIA had no authority to grant recoupment of royalty overpayments because that authority resided in the Minerals Management Service. It further concluded that BIA lacked authority to initiate a collection action against the Indian landowners for the purpose of refunding overpaid royalties to appellant.

Appellant and the Area Director have requested remand of this matter to the Area Director, so that he may refer it to the Minerals Management Service. 1/

In accordance with the parties' request, and pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from the Area Director's September 4, 1992, decision is docketed, the decision is vacated, and this matter is remanded to him.

//original signed

Kathryn A. Lynn
Chief Administrative Judge

//original signed

Anita Vogt
Administrative Judge

1/ Under 30 CFR Part 290, decisions of the Minerals Management Service involving Indian lands are appealable to the Commissioner of Indian Affairs. The Commissioner's decisions under that part are appealable to the Board of Land Appeals, 30 CFR 290.7, unless they are based on an interpretation of Federal Indian law, in which case they are appealable to this Board. 43 CFR 4.330(b)(3).